

Dear Friend:

The 79th Legislative Session has come to a close, and I want to take this opportunity to update you on what happened -- and didn't happen -- in the Texas Capitol.

I hope that you find this Ellis Email Express informative and urge you to send me any comments or questions you have regarding the issues in this newsletter. Thank you all for the kind words and letters of support that you have sent my way over the last many months. Your feedback this session has been very important to me.

79th Legislative Session a Mixture of Successes, Missed Opportunities

TEXAS Grants, taxes, voting rights and criminal justice reforms top list of Ellis accomplishments

Senator Rodney Ellis (D-Houston) today called the overall 79th legislative session a bushel of missed opportunities, but noted key Ellis accomplishments in higher education, criminal justice, voter protection, prescription drugs, education, and criminal justice, but key failures on major priorities to Texans, particularly on school finance.

"I am extremely pleased with some of the things we were able to accomplish," said Ellis. "Under very difficult circumstances, we were able to protect and strengthen the TEXAS Grant program, provide more accountability to all financial aid programs, implement revolutionary change to our criminal justice system while preserving past gains, and stopped new regressive tax increases and pernicious voting restrictions."

"This legislature failed miserably in improving our schools and developing a fairer, more equitable tax system," said Ellis. "Under both the House and Senate school finance and tax plans, the vast majority of Texans would have ended up paying more money for less. The GOP leadership would have cut taxes for people living in big fancy homes, raise taxes on everyone else, and then not invest any real money in our kids' schools. They wanted to go from Robin Hood to robbing everyone and, in the end, our kids wouldn't have seen a dime in new money. Those are the wrong priorities for Texas and I am pleased we didn't take this step back."

Senator Ellis led the effort to protect the TEXAS Grant program from crippling new restrictions that would have forced thousands of students to lose their aid. At the beginning of the session, the program faced a \$130 million budget cut and significant new grade-point and hours-per-semester requirements that would have forced thousands of students to lose their grant. Thanks to Senator Ellis' leadership, TEXAS Grants received a \$40 million funding increase and no significant new restrictions.

Since the TEXAS Grant program was created in 1999, authored by Senator Ellis, over 115,000 young Texans have received 235,000 TEXAS Grants totaling over \$648 million to help them pay for college. Forty-six percent of TEXAS Grants have gone to Hispanic students, 13 percent to African American students and 34 percent to Anglo students.

Ellis also passed legislation providing the first pay raise to Texas jurors in over 50 years, a major reform that could have a revolutionary impact on Texas civil and criminal juries. Senate Bill

1704 would provide a pay raise for Texas juries for the first time since 1954, when the current rate of \$6 a day was established. It would increase compensation to \$40 a day by charging an additional \$4 fee on criminal convictions.

"If you did not receive a pay raise in 50 years, you'd walk off the job too," said Ellis. "That's what is happening now. As a result, we are flirting with having our court system being ruled unconstitutional because the jury box is not representative of Texas."

The low compensation rate is making it more difficult for counties to attract jurors and reducing diversity in the jury box. Low income and minority Texans are currently drastically underrepresented on juries at levels that experts warn jeopardize the constitutional legitimacy of many convictions. Latinos, for example, comprise more than 30% of the population of Dallas and Harris counties, but make up only 10% of the jury venires.

Ellis also led the effort to defeat a pernicious voting rights provision that would have created barriers for minority, low-income and elderly Texans to exercise their constitutional right to vote. The provision would have required Texans to show a picture ID in order to vote, which would have disenfranchised anywhere from 6 to 10 percent of Texans. Past efforts to require IDs to vote were struck down by the U.S. Department of Justice under Presidents Ronald Reagan, George H.W. Bush and Bill Clinton. Ellis helped organize enough members to defeat the provision in three separate bills, and even prepared for a late-session filibuster that finally defeated the measure.

"With Texas' Jim Crow past and dismal turnout rates, we shouldn't be making it more difficult for people to vote," said Ellis. "The fact of the matter is that supporters of this provision could not point to one single case in which someone in Texas voted using false papers. Not one. Study after study has shown that this issue is a red herring and that the chief form of electoral fraud occurs with mail-in ballots. No one even mentioned tackling that issue. In fact, supporters of the ID provision encouraged more vote-by-mail. In other words, they were encouraging more fraud."

Key Ellis Accomplishments

- **Preserving TEXAS Grants:** Ellis spearheaded efforts to protect the TEXAS Grant program, defeating new restrictive measures that would have forced thousands of students to lose their financial aid.
- **Jury Pay Increase:** Ellis championed legislation, SB 1704, that will provide Texas jurors with their first pay raise in over 50 years, which will dramatically improve participation in the system and increase diversity on Texas juries.
- **Access to More Affordable Prescription Drugs:** Senator Ellis led the effort in the Senate to ensure Texans have access to more affordable prescription drugs. SB 410 included an amendment similar to Ellis' SB 518, which will allow the Texas Board of Pharmacy to inspect "brick and mortar" Canadian Pharmacies so that Texans will have safe options for less expensive prescription drugs from Canada.
- **Killed Voter ID:** Ellis led the effort to defeat a Jim-Crow-style voter initiative that would have made voting more difficult for thousands of legal Texas voters.

- ***AIDS in Prisons:*** Ellis sponsored legislation that will tackle a quiet but serious and growing problem -- Texas prisoners returning to their communities unaware that they have contracted HIV in prison. HB 43 will require the Texas Department of Criminal Justice to screen inmates upon release. Nineteen other states have implemented this policy.
- ***City of Houston Priorities:*** Senator Ellis was pivotal to achieving four of the City of Houston's top priorities.
 - ***Houston Land Bank:*** Senator Ellis passed legislation to help the City of Houston improve the quality of life in densely populated urban areas. Senate Bill 356 will give the city more options in rehabilitating older communities and developing more affordable housing and livable neighborhoods.
 - ***Safe Clear:*** At the beginning of the 79th Legislative Session, Senator Ellis helped stop legislative efforts to eliminate the city's *Safe Clear* towing program. Ellis was the only Senator not to sign onto legislation that would put a halt and worked closely with Mayor White to ensure the safety program could continue.
 - ***Cameras at Red Lights:*** Senator Ellis ensured the City of Houston could continue to protect Houston drivers' safety with the placement of strategic red light cameras. Ellis defeated repeated efforts to change state law to ban such cameras.
 - ***TIRZ:*** Senator Ellis passed legislation enhancing Houston's Tax Increment Reinvestment Zones. Senator Ellis attached his bill SB 1198 to SB 771, which will give the city more flexibility and provide more cost savings to taxpayers when development occurs faster than originally estimated.
- ***Averted Weakened Standards for Death Penalty Appeals:*** Senator Ellis helped defeat a measure, HB 268, that would have significantly weakened standards for the appointment of counsel in death penalty cases and sped up Texas' Death Row Express.

Near Misses

Several key Ellis initiatives made progress through the legislature but failed to reach the governor's desk.

- ***Indigent Defense:*** In the waning hours of the 79th Session, an Ellis initiative to double state funding to help counties meet the costs of indigent defense was killed. Senator Ellis had attached an amendment to SB 368, the judicial pay raise bill, that would provide at least \$13 million more per year to indigent defense funding. Texas ranks 44th in the nation in what the state provides counties to meet indigent defense costs.
- ***Tuition Dereg Rollback:*** Senator Ellis, a long-time opponent of tuition deregulation, attached an amendment to SB 1228 to eliminate the practice in 2008. Eliminating tuition deregulation would put the responsibility for providing adequate funding to Texas' public universities back in the hands of the legislature. Senate Bill 1228 passed the Senate but failed to pass the House.
- ***Removing Red tape for wrongful imprisonment compensation:*** In 2001, Senator Ellis passed legislation to increase compensation for wrongfully imprisoned Texans, raising the payment from a flat \$25,000 to \$25,000 per year spent in prison. In 2003, an amendment to require someone who has been wrongfully imprisoned must receive a letter from the District Attorney's office that prosecuted them declaring they were actually innocent. This new layer of bureaucratic red-tape has kept several Texans from receiving the compensation they are

entitled to. Senator Ellis attached an amendment to HB 2233 to remove this requirement, but that legislation was killed on a point of order in the House.

- **Journalist Shield Law:** Senator Ellis made great progress in enacting a Shield Law for Texas journalists and their sources, but the legislation did not pass the Texas Senate. Today there is essentially no state or federal constitutional protection for journalists who are called to testify, turn over reporters notes or otherwise participate in a criminal case in the state of Texas. Ideally the First Amendment would be such a shield, but the courts have largely taken away the understood privilege of the press to protect whistleblowers. The need to protect the confidentiality of sources is often fundamental to a reporter's job. Thirty-one other states and the District of Columbia have enacted Shield laws to protect the free flow of information.

Houston Chronicle Profile

In the final days of the session, *Houston Chronicle* reporter Kristen Mack got a behind-the-scenes look at how Senator Ellis operates in the legislature. Attached is a link the profile piece, which ran in the May 30, 2005 edition of the *Chronicle*.

<http://www.chron.com/cs/CDA/ssistory.mpl/metropolitan/mack/3203218>